UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.157/PC/94
5 May 1993

Original: ENGLISH

WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
Agenda items 5 and 9

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

CONSIDERATION OF THE FINAL OUTCOME OF THE WORLD CONFERENCE, TAKING INTO CONSIDERATION THE PREPARATORY WORK AND THE CONCLUSIONS OF THE REGIONAL MEETINGS

Letter dated 5 May 1993 from the Ambassador of the United States to the Secretary-General of the World Conference on Human Rights

I have the honour to forward, for your information and for that of delegations attending the fourth Preparatory Committee Meeting of the World Conference on Human Rights, a copy of a "Draft Plan of Action for Human Rights" which has been drawn up by the Government of the United States of America.

I would appreciate it if the attached document could be formally circulated to all delegations as an official document of the Preparatory Committee.

(Signed): J. Kenneth Blackwell, Jr.
Ambassador

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U.S. DRAFT HUMAN RIGHTS ACTION PLAN

I. A HIGH COMMISSIONER FOR HUMAN RIGHTS

-- An office of High Commissioner for Human Rights should be established in order to energize UN programs on human rights and ensure human rights takes its proper place as one of the key pillars of the United Nations system as set out in its Charter.

-- The High Commissioner should:

- o be champion and spokesperson for the promotion and protection of human rights around the world;
- o oversee the implementation of decisions of all UN human rights bodies;
- o assume responsibility for human rights issues in the areas of peacekeeping, peacemaking, and humanitarian assistance;
- o coordinate all UN human rights programs, and encourage and facilitate coordination, cooperation and information sharing among all UN system and humanitarian organizations including UNDP, UNICEF, WHO, ILO, and others;
- o have authority to bring to the attention of the security council serious violations of human rights when they threaten international peace and security; and
- o have independent authority to dispatch special envoys on fact-finding missions and to undertake other initiatives to promote human rights.

-- The High Commissioner should have line authority for all UN human rights units, including the Human Rights Center, the Center Against Apartheid, the Division of Palestinian Rights, the Electoral Unit, and any other such bodies. All these units should be consolidated in Geneva.

-- The High Commissioner should be appointed by the Secretary General for a fixed term. The position should be at the level of Under Secretary General.

II. IMPROVING UN EFFECTIVENESS IN THE FIELD OF HUMAN RIGHTS

A. STRENGTHENING ADVISORY SERVICES

-- The UN Human Rights Center's advisory services and technical assistance program should be greatly expanded to enable it to respond promptly and effectively to requests from states for assistance with human rights programs.

-- The Human Rights Center should develop expertise on the administration of justice and rule of law, national institutions in support of democracy, human rights training for public officials, and human rights education, as part of a program to strengthen democracy worldwide.

-- The Human Rights Center should establish special rosters of experts available to advise and assist requesting governments with specific human rights problems, particularly torture, conflict resolution, and promoting respect for diversity and for members of minority groups.

-- The Human Rights Commission should take into account and encourage awareness and respect for human rights standards and supervisory efforts of other UN system agencies, particularly basic ILO standards for worker and human rights, equality, and protection against discrimination, including those for migrant workers.

-- The Human Rights Center should be strengthened so it can respond to requests or proposals from the treaty bodies and special rapporteurs and from international agencies for specific assistance to states in need.

B. A UNIFIED UNITED NATIONS APPROACH

-- Human rights should be an integrated element of all UN peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities. The UN's expert human rights bodies should be fully involved in the planning, implementation, and follow-up of such activities.

-- All efforts should be undertaken to ensure that the human rights activities of all UN agencies -- and in particular UNDP, UNICEF, ILO, UNESCO, and WHO -- are properly coordinated with the Human Rights Center. These

would also include commissions with human rights concerns, such as the Commission on the Status of Women and the Crime Commission.

-- Governments, the UN, and regional inter-governmental institutions should recognize non-governmental organizations as full partners in the field of human rights.

-- The Human Rights Center should be authorized to place representatives in UN regional and sub-regional offices.

C. HUMAN RIGHTS AND PEACEKEEPING

-- Human rights work should be included in peacekeeping operations, as has been done with ONUSAL (El Salvador) and UNTAC (Cambodia).

-- The UN Department of Peacekeeping should include a human rights specialist with close links to the UN Human Rights Center.

-- The Human Rights Center should undertake a comprehensive overview of the links between peacekeeping and human rights.

-- Attention must be given to what happens when a UN peacekeeping force withdraws; the Human Rights Center should have a role in follow-up operations.

III. PROVIDING RESOURCES TO PROMOTE HUMAN RIGHTS

-- Recognizing that a serious obstacle to the UN's ability to further human rights is the lack of resources, efforts should be made to ensure that resources apportioned to human rights are in accordance with the priority given to human rights in the UN Charter. Thus, a substantially greater portion of UN resources should be devoted to human rights.

-- States should contribute to the UN voluntary funds designed to promote human rights, particularly the Voluntary Fund for Advisory Services.

-- The amount of bilateral and multilateral development assistance devoted to human rights programs and to the strengthening of democracy should be greatly increased.

-- All multilateral development agencies and specialized agencies -- including in particular, the World Bank, UNDP, UNICEF, UNESCO, and ILO -- should continue to undertake human rights programs and should integrate human rights concerns into all their activities.

-- Given the strong relationship among human rights, democracy, and development, donors and multilateral agencies should give priority to programs in states that promote and protect human rights and democracy.

IV. STRENGTHENING UN HUMAN RIGHTS MECHANISMS

A. IMPROVING THE HUMAN RIGHTS TREATY SYSTEM

-- The effectiveness of the human rights treaty body system should be improved.

-- Treaty bodies should be encouraged to call for special reports when emergency situations arise concerning states parties to the treaty.

-- Treaty bodies should be empowered to make recommendations including proposals for advisory services.

-- Treaty bodies should develop follow-up mechanisms for situations in which human rights problems continue to occur in states which have not implemented recommendations of the treaty bodies.

-- Treaty bodies should proceed with information from other sources when states do not provide required reporting.

-- Non-governmental organizations should be integrated in a more structured way as sources of information in the work of the treaty bodies.

-- Matters of gender should be taken into account when reviewing reports of states parties to all human rights treaties.

B. IMPROVING REPORTING CAPABILITY

-- Thematic rapporteurs and other mechanisms should be authorized to examine country situations on their own initiative and report consistent patterns of gross violations of human rights.

-- Rapporteurs should be encouraged to meet annually to improve coordination and exchange views on methods and work.

-- On-site visits should be increased and joint visits by different mechanisms should become a regular part of their work.

-- Human rights mechanisms should provide for a sustained follow-up of their recommendations by their countries concerned.

-- Mechanisms should be granted wider investigative powers and latitude in making concrete recommendations to specific governments.

-- States identified by two or more thematic mechanisms in consultations with each other as continuing serious human rights violators should be considered by the Human Rights Commission for appointment of a country rapporteur.

-- Human and financial resources for all mechanisms should be significantly increased.

-- A fully computerized data bank should be established and made available to all mechanisms.

-- A central documentation center should be established with full and up-to-date information on thematic and country human rights issues.

-- The UN's confidential procedure for human rights should be strengthened by: (1) transferring to public scrutiny any state considered confidentially for two years, and (2) ensuring that up-to-date information is used in making determinations.

C. HUMAN RIGHTS AND REFUGEES

-- The UN should create an early warning system to alert the international community to deteriorating human rights situations and potential causes of refugee flows.

-- The Human Rights Center, its special rapporteurs, and other mechanisms should make periodic reports, including to the Secretary General, on rapidly deteriorating human rights conditions that have the potential to create refugee flows. The Human Rights Center, in cooperation with the UN High Commissioner for Refugees, should monitor and collect human rights information on a world wide basis to identify situations that could contribute to refugee flows.

-- The Human Rights Commission should increase the use of human rights monitors to deter abuse and help prevent refugee creating situations.

V. PROMOTING DEMOCRACY

-- The UN should increase its ability to assist with free and fair elections when requested by governments.

-- The UN Human Rights Commission should establish a rapporteur on free and fair elections.

-- The UN should coordinate with regional organizations to develop programs to promote democracy.

-- The UN should give priority to developing programs to strengthen democratic institutions and to improve the administration of justice and the rule of law.

-- Given that independent worker and employer organizations are key to the pluralism essential to democracy, the UN system and other agencies should take due account of and facilitate ILO programs and standards to assist in creating, protecting, and strengthening such organizations.

-- The UN should compile an extended list of rights that are non-derogable and must be respected under all circumstances. Priority should be given to defining minimum protections against arbitrary detentions and for fair trial during states of emergencies.

VI. PROMOTING HUMAN RIGHTS EDUCATION

-- Governments, non-governmental organizations and the Human Rights Center should actively promote programs aimed at creating a universal commitment to human rights.

-- The Human Rights Center should establish a center for the training of UN human rights experts in fact-finding, observation, supervision and verification of elections, conflict resolution, and other such fields.

-- A more active program should be established to disseminate the texts of human rights treaties and other human rights standards, principles and guidelines.

-- The Human Rights Center, in coordination with UNESCO, should develop more active programs for human rights education, including establishing a program to train human rights trainers and to develop model human rights curricula.

VII. THE RIGHTS OF WOMEN

-- All UN mechanisms, including those concerning development, should ensure that rights of women are respected and promoted in all their activities.

-- The UN Division for the Advancement of Women should oversee the systematic integration of women's issues into UN human rights programs.

-- The Human Rights Commission should appoint a special rapporteur on violence against women. The rapporteur should investigate human rights violations including battering in the family, rape, female infanticide, "honor killings," "dowry murder," and other violence related to traditional and customary practices.

-- All UN mechanisms entrusted with protecting human rights should address equally violations of the human rights of women.

-- UN personnel and independent experts should receive training to ensure they have the sensitivity and competence to address adequately human rights abuses based on gender.

-- The United Nations itself must live up to the principles of non-discrimination against women by encouraging the election or appointment of women to treaty bodies, as special rapporteurs or as members of other special missions, and in its own employment practices and those of the specialized agencies.

VIII. RIGHTS OF THE CHILD

-- UN Human Rights organs should, in close coordination with the International Labor Organization and UNICEF, establish plans and programs to eliminate child labor.

-- States should pay particular attention to the protection of children's rights in armed conflict, including prevention of involvement by children in hostilities.

-- The UN and specialized agencies should direct research and program resources to the needs and interests of the most vulnerable groups of children, including: the girl child; working and street children; indigenous children; children affected by armed conflict; refugee and internally-displaced children; and children at risk or affected by sale or trafficking, pornography, and prostitution.

IX. ELIMINATING TORTURE BY THE YEAR 2000

-- All states should immediately ratify the Convention Against Torture and implement its provisions.

-- States should intensify work on the Optional Protocol to the Convention Against Torture.

-- The Human Rights Center should develop and provide advisory services programs to train police, prison authorities, prosecutors, investigators, and security forces to respect human rights.

-- All states should adopt legislation and programs to prevent incommunicado detention.

-- All places of detention should be open to inspection by independent medical and judicial investigators.

-- International human rights organs should be able to carry out on-site inspections of all detention facilities.

-- The international community should ensure that torturers are in all instances held individually accountable for their acts.

-- UN bodies should develop legal principles clearly establishing that there is no statute of limitations for torture.

-- States are urged to contribute to and support the UN Voluntary Fund for Victims of Torture.

X. FOLLOW-UP TO THE WORLD CONFERENCE

-- The 1998 UN General Assembly should assess progress made in realizing the principles set forth in the Final Document of the World Conference on Human Rights, as well as its program of human rights action.